

SENATE BILL 36

M3
SB 329/09 – EHE & JPR

(PRE-FILED)

0lr0852
CF HB 45

By: **Senator Colburn**

Requested: October 27, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2010

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – Bay Restoration Fee – Lien Against Property**

3 FOR the purpose of establishing in Dorchester County that an unpaid Bay Restoration
4 Fee is a lien against the property on which the wastewater facility, onsite
5 sewage disposal system, or holding tank is located; requiring a notice of lien to
6 be recorded in the land records of Dorchester County; and generally relating to
7 the Bay Restoration Fee.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1605.2(d)
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Environment**

16 9–1605.2.

17 (d) (1) Subject to the approval of the Administration, a local government
18 or a billing authority for a water or wastewater facility may establish a program to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 exempt from the requirements of this section a residential dwelling able to
2 demonstrate substantial financial hardship as a result of the restoration fee.

3 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
4 the Bay Restoration Fee shall be collected by the local government or the billing
5 authority for the water or wastewater facility, as appropriate, on behalf of the State.

6 (ii) For a wastewater facility without a billing authority, the
7 Comptroller may collect the restoration fee from the facility owner.

8 (3) A local government, billing authority for a water or wastewater
9 facility, or any other authorized collecting agency:

10 (i) May use all of its existing procedures and authority for
11 collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding
12 tank bill in order to enforce the collection of the Bay Restoration Fee; and

13 (ii) Shall establish a segregated account for the deposit of funds
14 collected under this section.

15 (4) (I) IN DORCHESTER COUNTY, AN UNPAID BAY
16 RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ON WHICH THE
17 WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR HOLDING TANK
18 IS LOCATED.

19 (II) A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND
20 RECORDS OF DORCHESTER COUNTY.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.